

ORDERED.

Dated: April 05, 2022



Catherine Peek McEwen
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION
www.flmb.uscourts.gov

In re:

Willette Yvonne Blair,

Debtor. _____/

Case No. 8:22-bk-00224-CPM

Chapter 7

ORDER ON MOTION TO CONFIRM AUTOMATIC STAY

THIS CASE came on for consideration of the Debtor's filing dated March 11, 2022 (the "Motion") (Doc. No. 20). In the Motion, the Debtor complains of eviction notices dated March 10, 2022, that her landlord, SPT Dolphin Providence Reserve Apartments ("SPT"), delivered to her post-petition. The Court treats the filing as a motion to confirm the existence of the automatic stay.¹

The automatic stay arose in this bankruptcy case on January 19, 2022, the day the Debtor filed her bankruptcy petition.² Actions taken in violation of automatic stay are null and void.³ Consequently, the eviction notices at issue, copies of which the Debtor attached to the Motion, have

¹ The Motion, which has no title and simply notifies the Court of the Debtor's receipt of eviction notices, was initially docketed as a "Motion for Sanctions."

² 11 U.S.C. § 362(a)(1), (3), (6). With respect to § 362(a)(3), the Debtor has a protected possessory interest. *In re Johnson*, 16 B.R. 193, 195 (Bankr. M.D. Fla. 1981) ("[E]ven a mere possessory interest is sufficient to invoke the protection of the automatic stay.").

³ *Borg-Warner Acceptance Corp. v. Hall*, 685 F.2d 1306, 1308 (11th Cir. 1982).

no force or effect.

The exception to the automatic stay to permit a landlord to continue a residential eviction of a debtor if the landlord “has obtained before the date of the filing of the bankruptcy petition, a judgment for possession”⁴ is not applicable here because no judgment for possession was obtained prepetition.

Accordingly, it is

ORDERED :

1. The Motion is GRANTED.
2. The notices are void and without effect.
3. SPT shall take no further action to divest the Debtor of her possessory interest in her apartment unit or take any action against any personal property of the Debtor unless the automatic stay is terminated by operation of law or modified by order of this Court.

The Clerk is directed to serve a copy of this order on the Debtor and on

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d/b/a Providence Reserve Apartments
955 Providence Reserve Loop
Lakeland, FL 33805

CT Corporation System
Registered Agent for
SPT Dolphin Providence Reserve, LLC
1200 South Pine Island Road
Plantation, FL 33324.

⁴ 11 U.S.C. § 362(b)(22).